

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JULY 1, 2003 AT 10:00 A.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JULY 1, 2003 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

ITEM-300: ROLL CALL.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: AAA Club of Southern California Hotel Circle.

Matter of the appeal by Mr. Randy Berkman of the River Valley Preservation Project, Mr. Eric Bowlby of the Sierra Club, and Mr. James A. Peugh of the Audubon Society from the decision of the Planning Commission in adopting Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program No. 2379 (LDR No. 42-0127) prepared in connection with the above named project.

(See City Manager Report CMR-03-135. MND/MMRP PTS No. 2379. Mission Valley Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal, and to affirm the decision of the Planning Commission in adopting Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program No. 2379.

(R-2004-)

Adoption of a resolution granting or denying the appeal, and upholding or overturning the decision of the Planning Commission in adopting Mitigated Negative Declaration/Mitigation, Monitoring and Reporting Program No. 2379, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on May 1, 2003, voted 4 - 1 to adopt Mitigated Negative Declaration No. 42-0127; was opposition.

Ayes: Schultz, Brown, Ontai, Lettieri

Nays: Chase

Not present: Steele, Garcia

The Mission Valley Planning Committee on August 7, 2002, voted 15-1-0 to recommend approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

The subject property is an irregular shaped, relatively flat, 2.18 acre site. It is located on the north side of Interstate I-8 near the I-8 westbound Taylor Street off-ramp, immediately south of the San Diego River at 2432-2440 Hotel Circle Place. The site is zoned Mission-Valley Commercial Visitor (MV-CV), within the San Diego River Subdistrict of the Mission Valley Planned District in the Mission Valley Community Plan, Council District 6. Also, the Floodway boundary line is located just north of the subject site. The entire site is located in the Flood Fringe boundary and subject to the Environmentally Sensitive Lands Regulations. The Mission Valley Community Plan designates the site for Commercial Recreation. The subject site previously contained an abandoned tennis court, a parking lot, a restaurant building and an auto repair garage. The adjacent property to the east is improved with a hotel and the property to the west is improved with a restaurant. The San Diego River and the area to the north is part of the Multi-Habitat Planning Area (MHPA) and contains the Warner Ranch mitigation site with riparian habitat. North of the San Diego River is the River Valley Golf Course. An approximately 0.16-acre developed/disturbed portion of the site at the northeastern corner is located in the MHPA.

After receiving the staff report and testimony from the public, the subject project was approved by the Hearing Officer, on March 19, 2003.

Appeal to Planning Commission

On April 1, 2003, Randy Berkman and James Peugh appealed the Hearing Officer's approval of the project with concerns about consistency with the Land Development Code, Council Policy 600-14 and the environmental document prepared for the project.

After receiving the staff report and testimony from the appellants and interested parties on May 1, 2003, the Planning Commission voted 4-1 to uphold the decision of the Hearing Officer and to adopt the Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program.

Appeal to City Council

Subsequent to the Planning Commission's adoption of the environmental document, it was determined that effective January 1, 2003, Section 21151(c) of the California Environmental Quality Act had been amended as follows: *If a nonelected decisionmaking body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any.*

Pursuant to this amended legislation, Randy Berkman, James Peugh and Eric Bowlby filed an appeal of the Planning Commission's decision on May 14, 2003. Note that CEQA now allows any interested party to appeal the adoption of an environmental document to the agency's elected decision making body, which in this case is City Council. However, this new appeal process applies only to the environmental document. Planning Commission's decision regarding the Site Development Permit, which was the result of an appeal of a Hearing Officer's decision (Process 3), is not appealable to the City Council.

FISCAL IMPACT:

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Ewell/Christiansen/JRJ

LEGAL DESCRIPTION:

The project site is located on a 2.18 acre site at 2432-2440 Hotel Circle Place in the Mission Valley community and is more particularly described as being a portion of Lot 1, Ohmer Subdivision according to Map No. 5344 and a portion of Lot 1 Hanalei, according to Map No. 5719.

ADOPTION AGENDA, HEARINGS**NOTICED HEARINGS:**

ITEM-331: Business Improvement District Budgets FY 2004.

(Mid-City, Centre City, Uptown, Greater North Park, Old San Diego, Ocean Beach, La Jolla, Southeastern San Diego, College Area, Midway, Mission Beach, Pacific Beach and San Ysidro Community Areas. Districts-1, 2, 3, 4, 6, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1415)

Adoption of a Resolution levying an annual assessment within previously established Business Improvement Districts for July 1, 2003 through June 30, 2004 (FY 2004):

Business Improvement District:

Adams Avenue
City Heights
College Area
Diamond
Downtown
El Cajon Boulevard Central
El Cajon Boulevard Gateway
Gaslamp Quarter

Hillcrest
La Jolla
Little Italy
Midway
Mission Hills
North Park
Ocean Beach
Old Town
Pacific Beach
San Ysidro

Subitem-B: (R-2003-1416)

Adoption of a Resolution authorizing and empowering to execute, for and on behalf of said City, an agreement with these associations for the respective Business Improvement Districts:

Associations:

Business Improvement District

Adams Avenue Business Association	Adams Avenue
College Area Economic Development Corp.	College Area
Diamond Economic Development Corp.	Diamond - District
Downtown San Diego Partnership	Downtown Improvement Area
El Cajon Boulevard BIA	El Cajon Gateway
El Cajon Boulevard BIA	El Cajon Central
Gaslamp Quarter Association	Gaslamp
Hillcrest Association	Hillcrest
Little Italy Association	Little Italy
North Bay Business Association	Midway
North Park Organization of Business	North Park
Ocean Beach Merchants' Association	Ocean Beach
Old Town San Diego Chamber of Commerce	Old Town
Discover Pacific Beach	Pacific Beach
Promote La Jolla, Inc.	La Jolla
San Ysidro Improvement Corporation	San Ysidro

That Council Policy 900-07 regarding Business Improvement Districts is waived in order to allow for the City Manager to appoint an advisory board to oversee the City Heights Business Improvement District and the Mission Hills Business Improvement District;

That the City Manager is authorized to act as interim administrator for the City Heights Business Improvement District and the Mission Hills Business Improvement District in compliance with State law, and to create an administrative advisory board of not more than five business owners from within the City Heights Business Improvement District and the Mission Hills Business Improvement District for that purpose;

That the City Manager is directed to return to Council at the end of the strategic

planning process with recommendations for the future management of the City Heights Business Improvement District and the Mission Hills Business Improvement District.

CITY MANAGER SUPPORTING INFORMATION:

Business Improvement Districts (BIDs) are authorized by State law to assess businesses for the cost of certain activities that will benefit those businesses. These activities are generally promotional in nature. Once a BID is established the City collects the assessments and disburses them to an appropriate entity representing the district pursuant to an annual operating agreement. There are currently 18 active districts in the City of San Diego: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Blvd. Central, El Cajon Blvd. Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Midway, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach, and San Ysidro.

State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments. The actions being taken today are: accept the budget reports and set Tuesday July 1, 2003 for the public hearing to levy the proposed assessment for each BID for FY 2004.

At the public hearing, the City Council may confirm the acceptance of the budget reports, adopt the resolution authorizing the assessments and authorize the City Manager to enter into agreements with the respective associations to manage the BIDs. With respect to the Mission Hills BID (MHBID), the Manager is recommending that the Community and Economic Development Department be authorized to: 1) act as an interim administrator for the MHBID in FY 2004, 2) work with MHBID businesses and the BID Council to facilitate a strategic planning process designed to identify and deliver more effective business services, and 3) identify administrative options to implement recommendations from the strategic planning process and manage MHBID activities going forward.

FISCAL IMPACT:

Approximately \$1.2 million of BID assessments will be collected in FY 2004 by City on behalf of BIDs and disbursed back to the BIDs. There is no net fiscal impact.

Herring/Cunningham/MDB

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-332: Crescent Heights.

Matter of approving, conditionally approving, modifying or denying a Community Plan Amendment, Local Coastal Program Amendment, Rezone, Vesting Tentative Map, Planned Residential Development Permit, Coastal Development Permit and MHPA Boundary Line Adjustment to allow the subdivision of 185.2 acres and

development of 128 single family dwellings and 144 multifamily dwellings, public improvements and landscaping on approximately 35.2 acres of the site, dedication of 129.18 acres of open space to the City for conservation, 20.82 acres for slopes and brush management areas, rezoning from the AR-1-1 (previously A-1-10) to the RX-1-2 (previously R1-5000/SLO), RM-2-5 (previously R-1500) and the OC-1-1 (Open Space - Conservation) located north and south of Calle Cristobal, east and west of Camino Santa Fe in the Mira Mesa Community Plan Area.

(EIR LDR-99-0639 CPA/LCP/RZ/VTM/PRD/CDP/MHPA Boundary Line Adjustment. Mira Mesa Community Plan Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A; adopt the resolutions in Subitems B, C and D; and adopt the resolution in Subitem E to grant the Planned Residential Development Permit No. 9693, Coastal Development Permit No. 9694 and a MHPA boundary line adjustment:

Subitem-A: (O-2004-1)

Introduction of an Ordinance changing 188.63 acres, located north and south of Calle Cristobal, east and west of Camino Santa Fe, in the Mira Mesa Community Plan Area, in the City of San Diego, California, from the AR-1-1 (previously referred to as the A-1-10) into the RX-1-2, RM-2-5, and OC-1-1 Zones, as defined by San Diego Municipal Code Sections 131.0404, 131.0406 and 131.0203; and repealing Ordinance No. O-18451 (New Series), adopted December 9, 1997 of the Ordinance of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2004-1)

Adoption of a Resolution certifying that Environmental Impact Report LDR-99-0639, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for Crescent Heights project;

That pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference;

That pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to

the project;

That pursuant to California Public Resources Code sections 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto as Exhibits A-1 and A-2, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-C: (R-2004-2)

Adoption of a Resolution amending the Mira Mesa Community Plan and Local Coastal Plan No. 10747, and the Progress Guide and General Plan;

That this resolution shall not become effective until such time as the California Coastal Commission effectively certifies these actions as Local Coastal Program amendments as to the areas of the City within the Coastal Overlay Zone.

Subitem-D: (R-2004-)

Adoption of a Resolution granting or denying Vesting Tentative Map No. 9691, with appropriate findings to support Council action.

Subitem-E: (R-2004-)

Adoption of a Resolution granting or denying Planned Residential Development Permit No. 9693, Coastal Development Permit No. 9694 and a MHPA boundary line adjustment, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission, on May 29, 2003, voted 5-0 to approve; was opposition.

Ayes: Lettieri, Ontai, Chase, Steele, Garcia

Recusing: Brown

Not present: Schultz

The Mira Mesa Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

Crescent Heights proposes a rezone from AR-1-1 to the proposed RX-1-2, RM-2-5 and OC-1-1 zones, a community plan and local coastal plan amendment, a vesting tentative map, a planned residential development and coastal development permit and MHPA boundary line adjustment to allow a multi- and single family development on 35.2 acres of a 185.2 acre site at Calle Cristobal

and Camino Santa Fe in the Mira Mesa Community. The project conforms with all City Policies and regulations relevant to the proposal.

The Mira Mesa Group, voted 14-0-1 to approve the project on March 17, 2003 with one condition to add a single light at Calle Cristobal and Street "A."

At the Planning Commission hearing on May 29, 2003, the Commission voted unanimously 5:0:0 to: recommend approval of the staff recommendation; to concur with the planning group to add a single light; to require a five year monitoring period for all revegetation of manufactured slopes including an eighty percent success criteria with additional monitoring periods of five years until the success criteria is achieved and modified the plan amendment text to address visibility of structures from Lopez Canyon. These items are included in drafts of the permit, tentative map resolution and community plan amendment.

The existing Mira Mesa Community Plan recommends thirty-two to 514 dwelling units at this site. The proposed project would construct 272 dwelling units. The Crescent Heights project is estimated to generate approximately 2,432 daily trips. The project's traffic study concludes there are no significant impacts requiring mitigation.

The proposed project is subject to the requirements for erosion control by the City's Water Quality Ordinance, Grading Ordinance and federal Clean Water Act. Conformance with the Clean Water Act would be achieved by compliance with the State Water Resources Control Board's (SWRCB) National Pollutant Discharge Eliminations System (NPDES) General Permit No. CAS000002. To reduce construction impacts and long-term use of the site, implementation of a Storm Water Pollution Prevention Plan (SWPPP) and a permanent water quality management plan would be required. The SWPPP and permanent water quality features would be designed to the satisfaction of the City Engineer. The approved SWPPP and permanent maintenance plan would include Best Management Practices (BMPs) and Best Available Technologies (BATs) available for pollution control and erosion/siltation control. Post-construction BMPs proposed for the project include storm water treatment units incorporated in drainage areas.

City staff recommends certification of the Environmental Impact Report No. 99-0639, adoption of the Findings and Statement of Overriding Consideration and adoption of the Mitigation Monitoring and Reporting Program; adoption of rezone No. 10712; adoption of community plan and local coastal program amendment No. 10747, approval of Vesting Tentative Map No. 9691, Planned Residential Development Permit No. 9693 and Coastal Development Permit No. 9694 and a Boundary Line Adjustment to the MHPA.

TRAFFIC IMPACT:

The project is estimated to generate an additional 2432 average daily trips (ADT). The project is estimated to add 145 ADT to I-5/I-805 merge which carries approximately 262,000 ADT, 270 ADT to I-5 south of the I-5/I-805 merge which carries approximately 150,000 ADT, and 270 ADT to I-5 south of the I-5/I-805 merge which carries approximately 150,000 ADT. Near-term improvements include adding axillary lanes between the I-5/I-805 merge and La Jolla Village Drive. Planned future improvements include the addition of two high occupancy (HOV) lanes from the I-5/I-805 merge to I-8.

The project is also expected to add 170 ADT to I-805 south of Mira Mesa Boulevard which carries approximately 166,000 ADT. Anticipated improvements include provide 3 lanes to southbound I-805, and conversion of the I-805/La Jolla Village Drive interchange from a full cloverleaf to a partial cloverleaf.

FISCAL IMPACT:

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Ewell/Christiansen/JSF

LEGAL DESCRIPTION:

The project site is located approximately 16 miles north of downtown San Diego and approximately 3 miles east of Interstate 5, in the Mira Mesa Community Plan Area in the City of San Diego. Access to the project sites is from Sorrento Valley Boulevard, Calle Cristobal, and Camino Santa Fe.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-333: Sunset Pointe.

Matter of approving, conditionally approving, modifying, or denying amendments to the City of San Diego Progress Guide and General Plan, the Mira Mesa Community Plan, and the Local Coastal Program; a Rezone, Vesting Tentative Map, Easement Abandonment, Coastal Development Permit, Planned Development Permit, and Site Development Permit to create a 32 lot subdivision for 30 single family homes on a 36.98 acre site located at the southern terminus of Sunny Mesa Road in the AR-1-1 Zone, Coastal Overlay Zone, Airport Environs Overlay Zone of the Mira Mesa Community Plan area. The project proposes to rezone the property from AR-1-1 (Agricultural-Residential, minimum 10 acre lots) to RS-1-14 (single family residential, with minimum 5,000 square foot lot size) and OC-1-1 (Open Space - Conservation).

The Sunset Pointe project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, **the final decision on this project will be with the California Coastal Commission**. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Development Services Department, Vicky Gallagher, Development Project Manager, 1222 First Avenue, MS 302, San Diego, CA, 92101-4155 before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in

court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

(PG&GP/CPA/LCP/RZ/VTM-11750/EA-11836/PDP-11760/SDP-11761/ CDP-11758/MHPA Boundary Line Adjustment/EIR No. 99-0639 & 40-0329/Job Order No. 40-0329/PTS No. 3179. Mira Mesa Community Plan Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A; and adopt the resolutions in Subitems B, C, and D; and adopt the resolution in Subitem E to grant the permits and the MHPA boundary line adjustment:

Subitem-A: (O-2004-2)

Introduction of an Ordinance changing 37.32 acres, located at the southern terminus of Sunny Mesa Road, in the Mira Mesa Community Plan Area, in the City of San Diego, California, from the AR-1-1 (previously referred to as the A-1-10) to the RS-1-14 and OC-1-1, as defined by San Diego Municipal Code Sections 131.0403 and 131.0203; and repealing Ordinance No. O-10936 (New Series), adopted October 5, 1972, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2004-7)

Adoption of a Resolution certifying that the information contained in the final document, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of land use actions for the Sunset Pointe project;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-C: (R-2004-6)

Adoption of a Resolution amending the Mira Mesa Community Plan and Local Coastal Plan No. 11758, and the Progress Guide and General Plan;

That this resolution shall not become effective until such time as the California Coastal Commission effectively certifies these actions as Local Coastal Program amendments as to the areas of the City within the Coastal Overlay Zone.

Subitem-D: (R-2004-8)

Adoption of a Resolution adopting the following findings with respect to Vesting Tentative Map No. 11750 and Easement Abandonment No. 11836:

1. The map proposes the subdivision of a 37.32-acre site into thirty-two lots for residential development (thirty residential, one open space, one brush management). This type of development is consistent with the City of San Diego's Progress Guide and General Plan and the Mira Mesa Community Plan which designate the area for residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.
2. The design and proposed improvements for the map are consistent with the zoning and development regulations of the RS-1-14 and OC-1-1 zones in that:
 - a. Development of the site is controlled by Coastal Development Permit [CDP] No. 11758, Planned Development Permit [PDP] No. 11760, and Site Development Permit [SDP] No. 11761 [collectively, the Permits].
 - b. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under PDP No. 11760.
 - c. All lots meet the minimum dimension requirements of the RS-1-14 and OC-1-1 zones, as allowed under PDP No. 11760.
 - d. All lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations, as allowed under PDP No. 11760.
3. The design and proposed improvements for the subdivision are consistent with California Government Code section 66473.1 regarding the design of the subdivision for future passive or natural heating and cooling opportunities.
4. The site is physically suitable for residential development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.
5. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential uses.
6. The specific economic, legal, social, technological, or other considerations made infeasible the mitigation measures or project alternatives identified in the Final EIR (LDR Nos. 99-0639 and 40-0329) to reduce unmitigated impacts to land use, landform alteration/visual quality (direct), hydrology/water quality (cumulative) and air quality (cumulative).
7. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as needed public services and facilities are available or required by condition of this map to provide for water and sewage facilities, as well as other related public services.
8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access

through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

9. The City Council has reviewed the adopted Housing Element of the Progress Guide and General Plan of the City of San Diego and finds pursuant to Government Code section 66412.3, that the housing needs of the region are being met because residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer are in accordance with financing and environmental policies of the Council.

10. The property contains a portion of the sewer easement granted to the City of San Diego per document recorded December 30, 1987, as file no. 87-713712, which is no longer needed for the public purpose for which it is granted, and which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That pursuant to California Government Code section 66434(g), a portion of the sewer easement granted to the City of San Diego per document recorded December 30, 1987, as file no. 87-713712, located within the project boundaries as shown in Vesting Tentative Map No. 11760, shall be vacated, contingent upon the recordation of the approved final map for the project;

That the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 11760 and Easement Abandonment No. 11836, are granted to Pardee Construction Company, subject to the conditions attached hereto and made a part hereof.

Subitem-E: (R-2004-)

Adoption of a resolution granting or denying Planned Development Permit No. 11760, Site Development Permit No. 11761, and Coastal Development Permit No. 11758, and a MHPA Boundary Line Adjustment, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on May 29, 2003, voted 5 - 0 to recommend approval of the staff recommendation to approve the project with a modification to the proposed Community Plan Amendment to address visibility of structures from Lopez Canyon. This modification has been made to the proposed amendment; no opposition.

Ayes: Ontai, Steele, Lettieri, Chase, Garcia

Recusing: Brown

Not present: Schultz

The Mira Mesa Community Planning Group on March 17, 2003, voted 14-0-1 to

recommended approve the project.

SUPPORTING INFORMATION:

The Sunset Pointe project proposes an amendment to the Progress Guide and General Plan, the Mira Mesa Community Plan, and Local Coastal Program, a Rezone, a Vesting Tentative Map, Coastal Development Permit, Planned Development Permit, Site Development Permit, Multiple Habitat Preservation Area (MHPA) Boundary Adjustment, and Easement Abandonment (sewer) to allow development of 30 single family homes and the creation of one Homeowner's lot (3.85 Acres) and one Open Space lot (26.58 Acres) on a 37.2 acre site located at the southern terminus of Sunny Mesa Road in the Mira Mesa Community Plan area. The Open Space lot would be deeded to the City. The project proposes to rezone the site from AR-1-1 (Agricultural) to RS-1-14 (Residential, minimum 5,000 sq. ft. lots) and OC-1-1 (Open Space-Conservation). The area proposed for development of the single family homes would involve approximately 9.2 acres of the 37.2 acre project site.

Traffic Impact Statement:

The Sunset Pointe project is estimated to generate approximately 300 daily trips. The project's traffic study concludes there are no significant impacts requiring mitigation.

FISCAL IMPACT:

No cost to the City; all costs are recovered by a deposit account funded by the applicant.

Ewell/Christiansen/VLG

LEGAL DESCRIPTION:

The project sites are located approximately 16 miles north of downtown San Diego and approximately 3 miles east of Interstate 5, in the Mira Mesa Community Plan area in the City of San Diego. Access to the project sites is from Sorrento Valley Boulevard, Calle Cristobal, and Camino Sante Fe.

NOTE: Environmental Impact Report No. 42-0329, dated May 15, 2003, covering this activity, was reviewed and considered by Council on July 1, 2003, by Resolution No. R-_____.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-334: Renaissance at North Park.

Matter of approving, conditionally approving, modifying or denying a Tentative Map, Site Development Permit, Conditional Use Permit and Public Right of Way Vacation to construct a mixed-use redevelopment project consisting of residential,

commercial, community center uses and associated parking with deviations to development regulations. The project includes demolition of existing vacant commercial structures, three single-family homes, and small retail stores. It also involves the vacation of a portion of the east-west alley between Kansas and 30th Street. The new construction would consist of fourteen (14) three-story affordable townhomes, twenty-four (24) market-rate lane homes, ninety-six (96) affordable senior apartments in a four-story building, approximately 13,000 square feet of commercial retail/community uses and 236 vehicle parking spaces which include surface parking and a one-story subterranean garage. The site is located on a 2.5 acre site at El Cajon Boulevard and 30th Street in the CN-1 and MR-800B Zones of the Mid-City Communities Planned District, North Park Redevelopment Project within the Greater North Park Community Plan Area.

(TM/SDP/CUP/Public Right of Way Vacation/PTS-5682. Greater North Park Community Plan Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and B; and adopt the resolution in subitem C to grant the permits:

Subitem-A: (R-2004-3)

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration, LDR No. 5682, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, the State guidelines thereto (California Code of Regulations section 15000 et seq.), the National Environmental Policy Act, and that the Finding of No Significant Impact/Mitigated Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Renaissance at North Park project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2004-4)

Adoption of a Resolution granting Tentative Map No. 9859;

That pursuant to California Government Code section 66445(j), a portion of the unnamed alley in Block 110 of University Heights Amended Map recorded January 17, 1911, in Book 8, Page 36, et seq. of Lis Pendens in the Office of the County Recorder of San Diego County, located within the project boundaries as shown in Tentative Map No. 9859, shall be vacated, contingent upon the recordation of the approved final map for the project;

That the recommendation of the Planning Commission is sustained, and Tentative Map No. 9859 is granted to Carter Reese & Associates, Applicant, and Steven's Cresto Engineering, Engineer, subject to the conditions attached hereto and made a part hereof.

Subitem-C: (R-2004-)

Adoption of a Resolution granting or denying Conditional Use Permit No. 9860 and Site Development Permit No. 9861 with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission, on June 5, 2003 voted 6-0 to approve, no opposition.

Ayes: Brown, Chase, Garcia, Lettieri, Ontai, Steele
Not present: Shultz

Community Planning Group Recommendation: On April 15, 2003, the Greater North Park Community Planning Committee voted 13-0-0 to recommend approval of the project with the condition that current residents get first right of refusal.

Historic Resources Board Recommendation: On May 22, 2003, the Historic Resources Board voted 9-1-2 to recommend approval of the project with conditions as incorporated into the draft permit to direct and protect the reconstruction of the historic Gufstason building facade.

SUPPORTING INFORMATION:

This is a request for a Conditional Use Permit, Site Development Permit, Tentative Map and Public Right-of-Way Vacation to demolish existing residential and commercial structures and construct a mixed-use redevelopment project consisting of residential, commercial and community center uses, and associated parking. The new construction would consist of fourteen (14) three-story affordable townhomes, twenty-four (24) market-rate lane homes, ninety-six (96) affordable senior apartments, approximately 13,000 square feet of commercial retail/community uses at El Cajon Boulevard and 30th Street and 236 vehicle parking spaces which include surface parking accessed from alleys and a one-story subterranean garage. The site is located at El Cajon

Boulevard and 30th Street and comprises most of the northwest city block. It is zoned CN-1 and MR-800B of the Mid-City Communities Planned District within the Greater North Park Community Plan Area. The commercial space would be located on the ground floor of the senior apartment building and would include an approximately 6,000 square foot community center. A Site Development Permit is requested for deviations to development regulations. The deviations include the minimum ground floor commercial use in the CN-1 zone, maximum height and street wall, setback for third stories, minimum off-setting planes, transparency, lot coverage, landscape in the vehicle use area and yards, and parking in the event of conversion from senior housing to general housing stock. The project also includes the vacation of a portion of a substandard east-west alley between 30th Street and the north-south alley.

FISCAL IMPACT:

All Development Services Department processing costs are recovered by a deposit account funded by the applicant. The City of San Diego Redevelopment Agency has committed up to \$4,000,000 to assist with property acquisition, tenant relocation, and on- and off-site improvements through a Disposition and Development Agreement.

Ewell/Christiansen/JCT

LEGAL DESCRIPTION:

The site is located on a 2.5 acre site at El Cajon Boulevard and 30th Street in the CN-1 and MR-800B zones, Mid-City Communities Planned District, North Park Redevelopment Project, Greater North Park Community Planning Area, Council District 3.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-335: Goldfinch Street Vacation.

(Uptown Community Plan Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1367)

That the portion of Goldfinch Street, as more particularly described in the legal description, as Exhibit "A" and as shown on Drawing No. 19878-B, as Exhibit "B," is ordered vacated;

That the City Clerk shall cause a certified copy of this resolution with attached exhibits, attested by him under seal, to be recorded in the Office of the County

Recorder.

CITY MANAGER SUPPORTING INFORMATION:

The applicant of the Goldfinch Street Vacation resides at 827 Barr Avenue (lots 1 and 2 Block 17 Map 334). The requested area of vacation is a 15 foot wide unimproved strip of right-of-way adjacent to this property. The applicant wishes to use the vacated part of the street for a walkway, landscaping, and to fence the area.

The applicant currently landscapes and maintains this 15 foot wide strip of Goldfinch Street pursuant to an Encroachment Removal Agreement. One other private property owner is adjacent to the proposed street vacation (lots 3 and 4 Block 17 Map 334) and is not opposed to vacating the street. The remainder of the property adjacent to the proposed street vacation is City owned open space (lots 5 through 20 Block 17 Map 334). The vacated portion of the street adjacent to the open space would become open space.

The street segment proposed for vacation is in an undeveloped canyon area. The street is not currently utilized for right-of-way purposes. Vacating the 15 foot wide strip will leave a 65 feet wide public right-of-way. The remaining right-of-way provides the only legal street access to several lots.

The area of vacation totals 4500 square feet and is situated in an RS 1-1 zone which allows one residence per 40,000 square feet. Current lot sizes of the two private properties are 5000 square feet each. Each private lot size would be increased by 750 square feet. The City owned open space would increase by 3,000 square feet.

The local community planning group, the Uptown Planners voted in favor of the street vacation 11 yes, 0 no, 1 abstention, noting that the impact on the neighborhood is low.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made.

1. That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated - It is unlikely that a street would be built at this location due to the steep terrain and the topography of the land.
2. That the public will benefit from the action through improved utilization of land made possible by the street vacation - Part of the vacated street will become City owned open space.
3. That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program - The portion of the street being vacated is not part of the community plan transportation element. The Uptown Planners recommends approval of the street vacation.
4. That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. - This street has limited use and will not be extended. There are no present or future plans to construct a street in this area. The remaining part of the un-vacated street is wide enough for City street standards.

FISCAL IMPACT:

None. All costs are paid by the applicant.

Ewell/Broughton/AKW

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT